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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------------|---------------------|------------------|
| 10/777,526      | 02/12/2004  | Jason Paige Harris Brantley | 16593-US            | 5124             |

7590 09/30/2004

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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/777,526

**Applicant(s)**BRANTLEY, JASON PAIGE  
HARRIS**Examiner**

Meredith C Petravick

**Art Unit**

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,11,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-10,12-15 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/28/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlueter, 4,606,177, cited by applicant.

Schlueter discloses a harvester including:

- a frame (12)
- crop removing structure (20)
- a receptacle (28) that inherently gets loaded and unloaded
- an air duct system having a first duct (26) and a second duct (150) adjacent the accumulator outlet and connected to the source for propelling air
- a crop accumulator (consider to be 34)
- an accumulator inlet (bottom 144)
- an accumulator (150)
- a source of propelling air (56 and 280)

The accumulator is capable of receiving crop while the receptacle is being unloaded.

Regarding claim 2, the harvester includes diverter structure (40).

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3. Claims 6, 7, 11, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Goering et al. 6,421,992, cited by applicant.

Regarding claim 6, Goering et al. discloses a method of moving cotton to a basket (inside 36a or 36b) having a loading position and an unloading position. The method includes:

- supporting an accumulator (30)
- directing the harvested cotton into the basket via the accumulator when the basket is in the loading position
- limiting flow of harvested cotton toward the basket by not driving rolls (52-58) when the basket is moved towards the unloading position and the cotton is directed to stay in the accumulator (Column 3, line 62 - Column 4, line 1)
- directing the cotton in the accumulator from the outlet and into the basket when the basket is in the loading position (Column 4, lines 17-20)

Regarding claim 7 and 16, the harvester continuously harvests cotton.

Regarding claim 11, the accumulator inlet is directly below the outlet end of the air conveying duct that opens towards the basket (Figure 1).

Regarding claim 17, Goering et al. discloses a harvester including:

- a receptacle (inside of 36a) that has a crop receiving position and dump position
- an accumulator (30) with an inlet (31)
- a first duct (22)

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- a second duct (area in Fig. 3 containing 80 and the end of 38a) opening into the accumulator and directing crop from the accumulator to the receptacle
- metering structure (32) between the second duct and the accumulator

***Allowable Subject Matter***

4. Claims 3-5, 8-10, 12-15 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Petravick whose telephone number is 703-305-0047. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Meredith C Petravick  
Patent Examiner  
Art Unit 3671

September 29, 2004